

LEE LITIGATION GROUP, PLLC

148 WEST 24TH STREET, EIGHTH FLOOR
NEW YORK, NY 10011
TEL: 212-465-1180
FAX: 212-465-1181
INFO@LEELITIGATION.COM

Via ECF February 21, 2025

Hon. Katharine H. Parker, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Virginia Oyebade v. The Children's Rescue Fund, et al.*
Case No.: 1:24-cv-07820 (AS) (KHP)

Dear Judge Parker,

We are counsel to Plaintiff in the above-referenced matter and we write to request that the Court compel Defendants to comply with their discovery obligations. In accordance with Rule II(c) of Your Honor's Individual Practices, Plaintiff requested Defendants' availability to meet and confer to resolve the dispute, but Defendants have refused to provide their availability or even respond to Plaintiff's requests.

Pursuant to the Court's Order, "to facilitate those settlement discussions, the parties shall, no later than three weeks after an answer is filed, exchange limited discovery in aid of settlement; confer with respect to the scope of such limited discovery; and promptly raise any disputes with the assigned Magistrate Judge in accordance with their Individual Practices." Dkt. No. 8.

On January 22, 2025, Defendants filed an Answer to the Complaint, making the exchange of limited discovery due by February 12, 2025. Plaintiff provided Defendants with discovery production in accordance with the Court's Order. To date, Defendants, however, have not complied with the Court's Order.

On several occasions, beginning as early as January 30, 2025, Plaintiff reminded Defendants of the Court's Order, inquired about the status of the production, and also requested Defendants' availability to meet and confer to address the outstanding production. Defendants have refused to provide their availability to meet and confer or even respond to Plaintiff's requests. Plaintiff also left voicemail messages, but to no avail. Defendants have also failed to provide Initial Disclosures or deposition availability for their witnesses. With the fact discovery deadline only a few months away, Defendants' refusal to engage in discovery of any kind or comply with Court Orders is particularly concerning.

Given the foregoing, we request that the Court compel Defendants to comply with their discovery obligations. We thank the Court for its attention to this matter.

Respectfully,

/s/ C.K. Lee

cc: all parties via ECF

Given defendants' response at Dkt. 25 indicating that the requested discovery has been provided, the motion is DENIED without prejudice. As the Court stated in its order at Dkt. 18, the parties have not yet consented to referring this case to Magistrate Judge Parker. If they wish to do so, they should fill out the attached magistrate judge consent form and file it on the docket. The Clerk of Court is directed to terminate the motion at Dkt. 24.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: February 24, 2025

UNITED STATES DISTRICT COURT

for the

| | | |
|------------------|---|------------------|
| <i>Plaintiff</i> |) | |
| v. |) | |
| <i>Defendant</i> |) | Civil Action No. |
| |) | |

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

| <i>Printed names of parties and attorneys</i> | <i>Signatures of parties or attorneys</i> | <i>Dates</i> |
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Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

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